



#4/Election  
Abrey  
2/26/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SUGA

Serial No. 09/898,082

Filed: July 5, 2001

For: SEMICONDUCTOR DEVICE AND METHOD  
FOR FABRICATING THE DEVICE

Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED  
FEB 22 2002  
TECHNOLOGY CENTER 2800

Atty. Ref.: 925-203

Group: 2812

Examiner: Roman, Angel

February 19, 2002

Sir:

**ELECTION UNDER 35 USC §121**

In response to the Office Action dated January 29, 2002 holding the subject matter of claims 1 - 9 to be non-obvious and patentably distinct from that of claims 10 - 19, Applicant(s) hereby elect the invention of Group 1, (upon which claims 1 - 9 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: H. Warren Burnam, Jr.

H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SUGA

Serial No. 09/898,082

Filed: July 5, 2001

Title: SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE DEVICE

Atty Dkt. 925-203

C# M#

Group Art Unit: 2812

Examiner: Roman, Angel

Date: February 20, 2002

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment	<b>19</b>	minus highest number			
previously paid for	<b>20</b>	(at least 20) =	0	x	\$ 18.00

Independent claims after amendment	<b>2</b>	minus highest number			
previously paid for	<b>3</b>	(at least 3) =	0	x	\$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)	\$	0.00
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Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)	\$	0.00
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Terminal disclaimer enclosed, add \$ 110.00	\$	0.00
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<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)	\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed		
<input type="checkbox"/> Submission attached		

<b>Subtotal</b>	\$	<b>0.00</b>
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If "small entity," then enter half (1/2) of subtotal and subtract	-\$	0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith		

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$	0.00
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Assignment Recording Fee (\$40.00)	\$	0.00
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Other:		0.00
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<b>TOTAL FEE ENCLOSED</b>	\$	<b>0.00</b>
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The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
 By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: H. Warren Burnam, Jr.